

UNITED STATES OF AMERICA
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 21-20747

Hon: Terrence G. Berg

D-1 CESAR GARCIA, et al.,

Defendants.

**ORDER TO CONTINUE PRETRIAL AND TRIAL DATES AND FINDING
OF EXCLUDABLE DELAY**

The Court, having been fully advised by the respective parties, states as follows:

IT IS ORDERED that the pretrial and trial dates be continued from March, 2023, to September 2023.

IT IS FURTHER ORDERED that the time period from March 9, 2023, through and including September 2023, shall be deemed excludable delay under the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), that the ends of justice served by continuing the pretrial and trial dates outweigh the best interests of the public and Defendant in a speedy trial. The Court does find that an ends of justice continuance is appropriate for the following reasons:

1. On December 14, 2021, there was a two-count Indictment filed charging defendants with 21 U.S.C. §§ 846, 841(a)(1) - Conspiracy to Possess with Intent to Distribute and to Distribute Controlled Substances; and 21 U.S.C. §§ 1956(a), 1956(h) - Conspiracy to Launder Monetary Instruments;
2. Most defendants have been arraigned and released on bond;
3. Counsel for all parties and Assistant United States Attorneys have communicated regarding the case and agree that the current dates scheduling Pretrial for March 9, 2023 and Trial for March 21, 2023 do not allow sufficient time to prepare for and defend the cases with the amount of discovery still to be reviewed by defense counsel and their respective clients.
4. A discovery coordinator has been appointed and has already received discovery materials, but the materials are voluminous and require additional time to process and review.
5. Overall, a continuance of the pretrial and trial dates is necessary to allow the parties time to review the voluminous discovery that has been tendered, to discuss those materials with defendants, and to prepare for trial. The parties also need time thereafter to discuss whether there are ways in which

the defendants' respective cases could be amicably resolved without a trial.

The ends of justice served by continuing the pretrial and trial dates outweigh the best interests of the public and defendants in a speedy trial.

18 U.S.C. § 3161(h)(7)(A).

6. The parties also stipulate and agree that this stipulation and order resulting therefrom shall not affect any previous order of pretrial detention or pretrial release.
7. Accordingly, the Court finds that, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), the period of delay, as a result of the continuance, shall be excluded in computing the time for trial.
8. The unprecedented and exigent circumstances created by COVID-19 and related coronavirus health conditions have created a health emergency throughout the United States and numerous foreign countries that has resulted in widespread societal disruption. Also, Covid has complicated the parties' efforts at meeting with witnesses and clients.
9. On March 13, 2020, this Court postponed indefinitely most in-court proceedings, including trials, before district judges and magistrate judges in the Eastern District of Michigan in all criminal (and civil) cases and matters. *See* Administrative Order 20-AO-021. Since then, the Court has

issued many Administrative Orders establishing new and alternative procedures for Court operations. The Court has only recently begun to schedule some in-person criminal proceedings and jury trials. Other courts have similarly been impacted by Covid. As a result, counsel (which have full schedules including in this and prior cases) have experienced a backlog of litigation matters, making this extension of time necessary.

THUS, THIS COURT ORDERS THAT the Pretrial Conference date is September 14, 2023 at 10:00 a.m..

THIS COURT ALSO ORDERS THAT the new Trial date is September 26, 2023 at 9:00 a.m..

THIS COURT ALSO finds that the time between the prior trial date of March 21, 2023 and the New Trial date of September 26, 2023 constitutes excludable delay under the Speedy Trial Act because the ends of justice served by continuing the

pretrial and trial dates outweigh the best interests of the public and defendants in a speedy trial for the reasons set forth in the parties' Stipulation and in this Order.

SO FOUND AND SO ORDERED.

/s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT COURT JUDGE

Date Entered: March 1, 2023